



## State of New Jersey

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TRENTON, NJ 08625-0716

NATASHA JOHNSON  
*Assistant Commissioner*

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **07927-22 N.J.**

AGENCY DKT. NO. **C139529003 (BURLINGTON COUNTY BD. OF SOC. SVCS)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that she had refused two appropriate housing placements offered by the Agency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. A hearing was initially scheduled for August 15, 2022, under OAL Docket No. HPW 06120-22, but Petitioner had failed to appear, and a new hearing was then scheduled for September 16, 2022, under OAL Docket No. HPW 07927-22. On September 16, 2022, the Honorable Sarah H. Surgent, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On September 21, 2022, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and MODIFY the Agency's determination, based on the discussion below.

Here, the record reflects that, when Petitioner applied for EA benefits, she advised the Agency that she required housing which could accommodate her disabled child, which the Agency addressed by offering her two immediate need housing placements appropriate for her child's needs. See Initial Decision at 2-3, 7; see also Exhibits R-B, R-C, and N.J.A.C. 10:90-1.3(a)(2), -6.3(a)(1). However, Petitioner failed to appear at one housing placement, and refused the other offered housing placement, choosing, rather, to continue to squat in her former apartment, and thereafter, to reside at various motels and with her sisters. See Initial Decision at 3-4, 7, 9. Petitioner testified that she had failed to appear at the first housing placement because it was too far away, she was afraid to drive, and she lacked the resources for gasoline, and that she had refused the second offered housing placement because it was too far away from her child's school and in an unfamiliar area. *Id.* at 3, 8. Of note, the Agency had contacted 21 motels and only found the two placements offered that could accommodate her child's needs. *Id.* at 4-5. The ALJ found Petitioner's testimony questionable, and that she had failed to provide



any tangible evidence to indicate that the housing placements offered were inappropriate, rather than just inconvenient and unacceptable. Id at 8, 10. Moreover, the record reflects that Petitioner had not advised the Agency of her alleged transportation issues, nor asked for transportation assistance. Id. at 8. Based on the testimony and evidence presented, and in accordance with regulatory authority, the ALJ found that the Agency had offered appropriate housing to Petitioner, and that Petitioner had refused such housing placement, without good cause, thereby causing her own homelessness. See Initial Decision at 10; see also N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1). Based on the foregoing, the ALJ concluded that the Agency's termination of Petitioner's immediate need housing placements, and denial of EA benefits to Petitioner, and imposition of a six-month EA ineligibility penalty, were proper and must stand. See Initial Decision at 11; see also Exhibits R-C, R-D, R-E. I agree. Further, based on the foregoing, the ALJ concluded that the other issues raised by the Agency need not be addressed. See Initial Decision at 3-6, 10. I also agree.

Additionally, the Agency's adverse action notice inaccurately reflects that Petitioner's six-month EA ineligibility penalty would be imposed from June 28, 2022, to December 28, 2022. See Initial Decision at 3; see also Exhibit R-E. Rather, I find that Petitioner's six-month EA ineligibility penalty, appropriately, begins to run from May 31, 2022, the effective date of the Agency's denial of EA benefits to Petitioner, which is the date of Petitioner's EA application, through November 30, 2022. See Exhibit R-A. The Agency's determination is modified to reflect this finding.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is MODIFIED, as outlined above.

Officially approved final version.

September 29, 2022

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Natasha Johnson

Assistant Commissioner

